

## **Bentley Pauncefoot Parish Council**

### **Representations on the Bromsgrove District Council Proposed Submission Document of the Bromsgrove District Plan**

**November 2013**

**As requested, our representations are included on separate sheets under the following headings:-**

**Parish Contact details**

**Introduction and Conclusion**

**Legal Compliance....Community Involvement**

**Sustainability Appraisal**

**NPPF**

**Duty to Co-operate**

**Soundness.....Justification**

**Effectiveness**

**Consistent with National Policy**

**Positively Prepared**

**A wish to participate at the oral part of the examination in public is also indicated.**

## Part A (see Note 8)

### **How we will use your details:**

The personal information you provide on this form will be processed in accordance with the requirements of the Data Protection Act 1998. It will be used only for the preparation of local development documents or any subsequent statutory replacement. However, your name and representation will be made publicly available when displaying and reporting the outcome of the consultation stage, and cannot be treated as confidential. Other details including your address and signature will be treated as confidential.

<b>Personal Details</b>	<b>Agent's Details (if applicable)</b>
Title: Mrs	Title:
First Name: Anne	First Name:
Last Name: Dyson	Last Name:
Job Title: (if applicable) Clerk to the Parish Council	Job Title: (if applicable)
Organisation: (if applicable) Bentley Pouncefoot Parish Council	Organisation: (if applicable)
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Address 2: Manor Road	Address 2:
Address 3: Upper Bentley	Address 3:
Address 4: Redditch	Address 4:
Postcode: B97 5TB	Postcode:
Telephone No: 01527 404269	Telephone No:
Email address:bentleypauncefoot@hotmail.com	Email address:

### **Notification Request:**

Please tick the boxes below if you wish to be notified at any of the following Plan stages:

- that the BDP has been submitted for independent examination
- the publication of the recommendations of the person appointed to carry out an independent examination of the BDP
- the adoption of the BDP

If the notification address is different to that stated above, please specify here:

Your details will remain on our database and will be used to inform you of future Strategic Planning matters and procedures following the adoption of BDP. If at any point in time you wish to be removed from the database, please contact us and we will remove your information.

**Part B (see Note 1 and Note 8 para 4.2)**

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

Bentley Paucefoot Parish Council

1. To which part of the BDP does this representation relate?

Page:3,4,45	Paragraph:1.6, 1.8 – 1.15	Policy: RCBD 1.1
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

**Introduction to the Representations from Bentley Paucefoot Parish Council**

Bentley Paucefoot Parish Council notes that Bromsgrove District Council (BDC) is seeking to realise its statutory duty to prepare, monitor and review a District Plan. We further note that this plan has evolved from the earlier Core Strategy and that its foundation is national and local planning policy with input also from key stakeholders and local communities.

A formal evaluation of how the policies expressed in the Bromsgrove District Plan (BDP) meet legal requirements is clearly a matter for an Inspector but we wish to draw attention to what we see as weaknesses in BDC's attempts to comply with the necessary legal underpinnings for the Plan, particularly with regard to Redditch Cross Boundary Housing Development (RCBD). In making our observations we follow the pattern given in note 2 of the Guidance notes accompanying the Legal Compliance representation form.

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

### Conclusion to the Representations from Bentley Pauncefoot Parish Council

With regard to the policy needs of Community Involvement and Sustainability Assessment, the steps taken, or not, by planners and District Councillors relating to the RCBD have, in our opinion compromised the legal compliance of that study and thus by extension of the whole BDP. We regard the BDP as flawed because the Strategy on which it is based rests on unreliable premises. We suggest that the issue of the appraisal of Strategic Development sites needs to be re-addressed, ideally within a context of a duty to co-operate, not only with Redditch but also with Birmingham. Such further considerations should take full account of the NPPF compliance requirements to which we have drawn attention. This would enable the BDP to be seen as having an impartial and robust evidence base preceding and subsequently underpinning strategic decision making.

5. Do you consider the BDP is sound? (see Note 3)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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Do you consider the BDP is **unsound** because it is not:

(1) Justified (see Note 4)	<input checked="" type="checkbox"/>
(2) Effective (see Note 5)	<input checked="" type="checkbox"/>
(3) Consistent with national policy (see Note 6)	<input checked="" type="checkbox"/>
(4) Positively prepared (see Note 7)	<input checked="" type="checkbox"/>

6. Please give details of why you consider the BDP is unsound. Please be as precise as possible. If you wish to support the soundness of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

See Soundness sheets
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7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP

**Part B (see Note 1 and Note 8 para 4.2)**

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

Bentley Pauncefoot Parish Council

1. To which part of the BDP does this representation relate?

Page: 11,44 and 45	Paragraph:3.1 note 14. 1.6	Policy:RCBD
Policies Map:	Other document: BDC SCI 2006, Redditch Growth Con.2010	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:

No:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

BDC's Statement of Community Involvement (page 13) highlights the Council's intention to adopt an approach which is accessible, appropriate, transparent and genuine. Genuine is explained as "to only involve people when they can have a real influence on the outcome of the plan" Ambiguous wording, but it is further clarified in the BDP as a key challenge "ensuring the local community have a greater involvement in planning the future of the communities in which they live."

We suggest that, particularly in relation to RCBD, Bromsgrove Council has failed to meet the terms of this statement and thus that the BDP policy is not legally compliant.

Our experience of community involvement includes:-

- (i) An Issues and Options consultation on RCBD in 2010, which resulted in a list of Planners Responses, but no further communication from either planners or elected representatives until 2013.
- (ii) "Drop-in sessions" to explain RCBD proposals to residents were arranged for other areas, but not in the heart of the Parish likely to be most affected by the proposals. The Parish Council had to ask for one.
- (iii) The process of moving from 5 focussed sites to the final decision was entirely planner led and their decisions included no alternative or fall back sites.
- (iv) The conclusions of the 2013 study have been incorporated virtually unchanged into the BDP and this, together with the dismissive nature of many of the planners' responses to our concerns, suggests to us that "assertive" is a more appropriate description of the exercise than "co-operative".
- (v) We would also add that, although the Representation form and guidance notes are probably standard, they are not user friendly i.e. written in plain English accessible to laymen. They thus discourage further involvement in local democracy.

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

Community Involvement rests firmly on a base of effective communication and trust. We suggest, therefore, that Councillors should re-address this subject since their SCI is at odds with our experiences and needs to be clarified within present Government directives. Its language needs to be both unambiguous and accessible, backed up by a list of the necessary consequential actions, which will leave a clearly identifiable audit trail.

5. Do you consider the BDP is sound? (see Note 3)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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Do you consider the BDP is **unsound** because it is not:

(1) Justified (see Note 4)	<input checked="" type="checkbox"/>
(2) Effective (see Note 5)	<input checked="" type="checkbox"/>
(3) Consistent with national policy (see Note 6)	<input checked="" type="checkbox"/>
(4) Positively prepared (see Note 7)	<input checked="" type="checkbox"/>

6. Please give details of why you consider the BDP is unsound. Please be as precise as possible. If you wish to support the soundness of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

See Soundness Response Sheets

**Part B (see Note 1 and Note 8 para 4.2)**

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

Bentley Pauncefoot Parish Council

1. To which part of the BDP does this representation relate?

Page:BDP1 17	Paragraph: 1.1	Policy: BDP4 8.28
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

**Sustainability Appraisal**

A key element for the BDP is to meet the growth needs of the District up to 2030 and beyond, through policies which reflect the presumption in favour of sustainable development developed in the NPPF, whilst at the same time giving careful consideration to the quality of the natural environment.

As legally required, the policies were assessed within a Sustainability Appraisal process. However, we consider that, in the particular context of the RCBD sites, its use to inform the decision making process has been compromised because it lacks a proportionate and robust evidence base and thus does not fulfil its primary function. We query, therefore, the soundness of the Plan. Our substantive comments in the second half of this representation will expand on these points.

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

We suggest that the issue of Sustainable Development be re-addressed in the light of the above comments and those in the Soundness section of this representation

**Part B (see Note 1 and Note 8 para 4.2)**

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

Bentley Paucefoot Parish Council

1. To which part of the BDP does this representation relate?

Page: 17 BDP	Paragraph:	Policy: Policy 1
Policies Map:	Other document: IDP pp 4, 9, 10	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

NPPF

The NPPF leaves much scope for interpretation and argument, but we accept that the BDP takes account of many of its legal requirements. Nevertheless, we query whether some of these are fully realised within the planning process, particularly in regard to RCBD. The expressed urgency to complete the BDP (cf page 23 paragraph 8.28) would seem to have been placed ahead of detailed and timely research.

NPPF Para. 88 requires that substantial weight be given to any harm to the Green Belt. In the absence of a full Green Belt Review prior to decisions being taken about RCBD sites, we query whether the HGDS does this. Such a review would have included, inter alia, whether the Green Belt is effectively fulfilling its function as expressed in NPPF para 80. This would have been linked to other environmental impact appraisals including, for example, the detailed assessment of agricultural land quality suggested in para 112 and Flood Risk and Water Quality Assessments (paragraphs 100, 103 and 109).

NPPF Paragraph 192 states that "the right information is crucial to good decision making". This can clearly be linked to our comments above and to our further comments in part two of this representation. We do not feel that the adverse environmental impacts upon Site 1 have been adequately discussed, or that reasonable alternative options have been fully considered. We also question whether a net gain in social and economic terms has been proved. (c.f. paragraph 152 NPPF)

NPPF Paras. 154 and 173 highlight the need to balance aspirational objectives with realistic and deliverable policies, with a particular stress, in paragraph 177, on the importance placed on Infrastructure Delivery in a timely fashion. Bromsgrove's in-house Infrastructure Delivery Plan (IDP) highlights a desire to gain an understanding of the requirements to support development, but contains little information about indicative costings or specific detail about RCBD sites. In addition, the planners admit to the difficulty of engaging in a fruitful manner with stakeholders at this time. Thus we question whether the approach currently adopted for the BDP is capable of ensuring the deliverability of sites within the projected time scale.



4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) **(see Note 8 para 4.3)**

In our opinion, full Legal Compliance of the BDP with NPPF would entail planners readdressing their approach to the requirements mentioned in the paragraphs above.

5. Do you consider the BDP is sound? **(see Note 3)**

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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Do you consider the BDP is **unsound** because it is not:

(1) Justified <b>(see Note 4)</b>	<input checked="" type="checkbox"/>
(2) Effective <b>(see Note 5)</b>	<input checked="" type="checkbox"/>
(3) Consistent with national policy <b>(see Note 6)</b>	<input checked="" type="checkbox"/>
(4) Positively prepared <b>(see Note 7)</b>	<input checked="" type="checkbox"/>

6. Please give details of why you consider the BDP is unsound. Please be as precise as possible. If you wish to support the soundness of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

See separate Soundness Sheets

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) **(see Note 8 para 4.3)**

**Part B (see Note 1 and Note 8 para 4.2)**

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

Bentley Paucefoot Parish Council

1. To which part of the BDP does this representation relate?

Page: 4, 23	Paragraph: 1.13-1.16, 8.28	Policy:
Policies Map:	Other document: Statement of Compliance with Duty to Co-operate	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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Redditch Borough Council and Bromsgrove District Council have worked together since 2012 to meet the legal requirements of the Duty to Co-operate (cf NPPF 162/178). Whilst the exact nature of this duty seems open to interpretation, it is clear that discussions and planning regarding large scale unmet housing needs have, of necessity, to be cross boundary.

Redditch lacks a 5 year supply of housing, which has given impetus to their search for sites, but Bromsgrove acknowledges that it will also come under pressure from Birmingham for development sites. We suggest that minimal references in the BDP do not give sufficient recognition to the strategic importance of this matter

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

Since Birmingham's Development Plan is now well researched and at the pre-submission stage, an opportunity exists for Bromsgrove to co-operate with both Redditch and Birmingham in a holistic manner to facilitate both the provision of housing and infrastructure and the most effective and least damaging realignment of the Green Belt boundaries. This has the potential to be a far more effective and sounder planning process than is the present two pronged engagement, particularly since, at present, Bromsgrove's Plan only covers the period to 2023 and is therefore incomplete.

**Part B (see Note 1 and Note 8 para 4.2)**

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

Bentley Paucefoot Parish Council

1. To which part of the BDP does this representation relate? **SOUNDNESS** / JUSTIFICATION?

<b>Page:</b>	<b>Paragraph:</b>	<b>Policy: RCBD1</b>
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

See response under Legal Compliance

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

5. Do you consider the BDP is sound? (see Note 3)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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Do you consider the BDP is **unsound** because it is not:

(1) Justified (see Note 4)	<input checked="" type="checkbox"/>
(2) Effective (see Note 5)	<input checked="" type="checkbox"/>
(3) Consistent with national policy (see Note 6)	<input checked="" type="checkbox"/>
(4) Positively prepared (see Note 7)	<input checked="" type="checkbox"/>

6. Please give details of why you consider the BDP is unsound. Please be as precise as possible. If you wish to support the soundness of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

**Justified ?**

1.1 It will be clear from the response of Bentley Paucefoot Parish Council to the Redditch Cross Boundary Housing Growth Development Study (HGDS) that we do not consider it to be a reasonable appraisal of the options open.<sup>1</sup> Since the conclusions of the HGDS have been incorporated unchanged, as Policy RCBD 1.1, into the Bromsgrove District Plan (BDP), we believe that this too, is unsound.<sup>2</sup> We make the following observations using the guidelines accompanying the Soundness form of representation and relate them particularly to the HGDS.

1.2 The satisfaction of Redditch's unmet housing needs has been an ongoing concern since the days of WMRSS. Sites to accommodate these needs have stimulated both evidence collection and controversy. Bromsgrove District Council's objection to the accommodation of the needs within its Green Belt land was clear when it co-operated effectively in a campaign against development to the north of Redditch at Bordesley (Area 8) in 2009.<sup>3</sup> However, the publication of an Issues and Options document in 2010 was acknowledgement that some inroads into the Green Belt were necessary.<sup>4</sup> Thus the Bromsgrove District Council Monitoring Report for 2011-12 refers to co-operation between the two local authorities "to find sites to accommodate additional Redditch Growth to the north/north west of Redditch".<sup>5</sup> This report thus re-activates consideration of the area to the north of Redditch. At the same time, no reference is made at all to the possibility of development to the west of the urban area.

1.3 Added impetus had been given to the search for sites by the Localism Act of 2011 and the National Planning Policy Framework published in 2012. It was emphasized that, in order to formulate the most appropriate strategy for sustainable development, a robust and credible evidence base would be essential. It is our contention that the choices made by BDC and Redditch Borough Council regarding Redditch housing growth do not rest on a rigorous evidence base and thus that the BDP cannot be justified.

1.4 Whilst a Sustainability Appraisal of suitable sites to accommodate Redditch growth has been carried out,<sup>6</sup> we are aware that this is not the single determinant of whether or not a particular site should be considered for development. We also accept that environmental considerations are only one aspect of such an assessment. However, we suggest that the lack of a Green Belt review to inform the early stages of site selection is

<sup>1</sup> Bentley Paucefoot Parish Council Response (BPPCR) to the Bromsgrove and Redditch Housing Growth Development Study May 2013.

<sup>2</sup> HGDS Appendix 1 page 226 January 2013 and Bromsgrove District Plan, proposed submission Version 2011 – 2030 September 2013, RCBD 1.2 and 1.3

<sup>3</sup> West Midland Regional Spatial Strategy, Phase 2 Revision, Panel Report September 2009 p.192

<sup>4</sup> Redditch Growth Consultation, Bromsgrove and Redditch Core Strategy. February 2010

<sup>5</sup> BDC Annual Monitoring Report for 2011 – 2012. Published December 2012, Summary page 2

<sup>6</sup> Proposed Submission Version Sustainability Appraisal BDP September 2013

an important oversight. Achieving a balance between sustainable development and protection of the Green Belt is both difficult and controversial and thus, at least on the five focussed sites, an assessment of Green Belt principles and their fulfilment should have been carried out.

1.5. If a Green Belt review is considered appropriate for later work regarding Bromsgrove's own housing needs<sup>7</sup> one can query why one was not initiated prior to decisions being taken about a very large scale housing incursion into the sparsely populated agricultural area to the west of Redditch. We are aware that Redditch does not have the necessary five year supply of housing land,<sup>8</sup> but this does not, in our opinion obviate the need for careful research and consideration of alternatives.

1.6 We do not believe that it is sufficient to base decisions about development potential on environmental assessments which are not specific to the areas under consideration<sup>9</sup> and on a sustainability appraisal which, at times, is less than transparent. The RCBD assessments have been made largely in-house and planners have stressed their own competence, whilst at the same time highlighting, what they refer to, as the discrediting of a firm of external consultants in an Inspector's report of 2009.<sup>10, 11</sup> We suggest that it does not follow that these two factors should preclude the later use of impartial and specialized external consultants<sup>12</sup> whose work would have contributed to the development of a comprehensive evidence base and might also have generated more public confidence in the validity of the plan.<sup>13</sup>

1.7 Bromsgrove's planners are confident in their analysis and scoring of sustainability across all sites considered for development. Thus, no change to their chosen sites is considered necessary.<sup>14</sup> We suggest, however, that adequate consideration has not been given to reasonable alternatives. Area 8 (Bordesley) and Site 1 could both accommodate the proposed Sustainable Urban Extension (SUE) and it has been asserted that there is little to choose between them.<sup>15</sup> Given this assertion, the evidence put forward regarding site selection should clearly justify the choices made. However, there are a number of instances where the information and methodology cannot be considered robust, or where the weight attached to an issue has not been properly judged. We give, in the following paragraphs, examples of these.

1.8 The Sustainability Appraisal (SA) and consequent report to Bromsgrove Cabinet indicate that a key weakness regarding area 8 is the lack of facilities nearby.<sup>16</sup> However, not only is the site generally nearer to the town centre than site 1, it is also only approximately 2 km from a thriving retail centre based round a Sainsbury's Supermarket. Garages and the Abbey Leisure Complex are also easily accessible over gently sloping

<sup>7</sup> BDP 4, 8.28, BDP 3 8.23 It is not stipulated whether the review will be carried out in-house or outsourced

<sup>8</sup> HGDS BDC and RBC January 2013 1.26 and 1.27 pp 6 and 7

<sup>9</sup> For example - Worcestershire Landscape Character Assessment 2011 and Geological study for Strategic Sites 2011. Bromsgrove and Redditch Outline Water Strategy Report 2012

<sup>10</sup> Outcome of Redditch Housing Growth Consultation 2013 p.181.

<sup>11</sup> WMRSS Phase 2 Revision Report of the Panel September 2009 pp 191 – 195. The Inspector drew attention to the controversy surrounding choice of sites and his disagreement with some of the conclusions of White Young and Green. Whether this alone “discredited” their report is open to question. What is incontrovertible is that although he would have preferred development at Studley the choice of site should be locally determined anywhere round the boundaries of Redditch. cf 8.84

<sup>12</sup> The use of non-interested external consultants to inform the early stages of decision making is common amongst other Local Authorities including Stratford upon Avon (Draft Core Strategy, 2012); Gloucester, Cheltenham and Tewkesbury (Joint Core Strategy, 2013) and Birmingham (Development Plan pre submission stage 2013)

<sup>13</sup> BDP Consultation Statement September 2013 9.23. Outcome of Redditch Housing Growth Consultation pp 163 – 178/179 also acknowledges that questions have been raised by the public and dissatisfaction expressed with some of the procedures followed.

<sup>14</sup> BDP Consultation Statement September 2013 9.38 and Outcome RHG Consultation pp 196-199

<sup>15</sup> BDC HG Cabinet Notes 6<sup>th</sup> February 2013. 5.15, 5.81 Appendix 3

<sup>16</sup> Redditch HG Appraisal Study. Appendix 3, S3 4.122 BDC HG Consultation Cabinet Notes 6/2/13

topography which could stimulate the use of sustainable methods of transport. This information clearly invalidates the key weakness hypothesis and the score attached to this section of the Appraisal.

1.9 Site 1 is acknowledged to be further away from the town centre<sup>17</sup> but any further comment regarding distance to facilities is compromised because of the extensive “winged” nature of the site. In addition, the BPPCR suggests that insufficient weight has been given to the reduction in the gap between Redditch and Bromsgrove, to the quality of the landscape, the lack of significant urbanising influences, the productivity of the agricultural land and to the steepness of the slopes in the eastern part of the site, which will militate against the use of more sustainable modes of transport.

1.10 Although the HGDS does not include maps relating the location of alternative sites to the broader District picture, it is clear from the BDP Policies Map that the Green Belt to the north of Redditch is significantly wider than that to the west. We suggest that the elongated nature of the proposed development at Site 1, to the west, would not only reduce the Redditch/Bromsgrove gap significantly but would also impact more substantially on the wider Green belt than would be the case to the north of the urban area. Planners’ responses<sup>18</sup> refer to a significant reduction in the gap to the north particularly with regard to the small settlement of Rowney Green, but we suggest that there would be a relatively minor impact on this settlement, located above and beyond the Redditch bowl, and that this should be outweighed by the greater impact on the countryside in the west and the reduction in the gap between Redditch and Bromsgrove.

1.11 Planner’s responses to our concerns have been less than satisfactory and their references to the “rebuttal” of concerns and “grievances” do not engender confidence in their wish to positively engage with the public.<sup>19</sup> Our comment, for example, regarding the visual impact of the development site on views from the west was answered simply by an assertion that the development could be visually contained since the land rises to the west of the Spring Brook valley floor.<sup>20</sup> The land does rise gently, but looking east from e.g. point OD 006 669 the panoramic extent of the SUE would be immediately apparent. We can add that extensive views of an urban landscape would also be visible from OD 001660 and that estate type development on one side of the valley at Cur Lane would also have a high negative impact on the harmony of the landscape there. There was also no answer to our suggestion that stress on the identification of boundaries had deflected attention from the nature of the land itself.<sup>21</sup>

1.12 It is surprising that the nature of our concerns regarding Site 1 being a spilling over of development from the Redditch bowl does not seem to have been fully understood. The response that “the site is not part of the bowl and has to be assessed on its own merits”<sup>22</sup> completely ignores the relevance of the site’s south west facing location. Yet we see in reference to area 8 (itself part of the Redditch bowl) that “any development would cause urban sprawl beyond the existing built up area more than any other... due to a lack of existing connectivity with the built form of Redditch”<sup>23</sup> An unimpressive inconsistency of approach.

1.13 Descriptions of agricultural land quality and landscape sensitivity are also less than exact. The agricultural map in the Scoping report of 2012 is indistinct<sup>24</sup> and older County maps offer a more detailed appraisal of land quality. It is clear from these that Site 1 has a significantly higher proportion of BMV land than does area 8 despite planners’

<sup>17</sup> Ibid S3

<sup>18</sup> Outcome of Redditch HG Consultation p.98

<sup>19</sup> BDP Consultation statement, September 2013, 9.24. cf. also Outcome RHG Consultation pp 196-199

<sup>20</sup> Outcome RHG Consultation p 33

<sup>21</sup> Bentley Pauncefoot Response to the Bromsgrove and Redditch HGDS May 2013, 2.8.

<sup>22</sup> Outcome RHG Consultation p.32

<sup>23</sup> Ibid p.93

<sup>24</sup> SA Scoping and Baseline Report October 2012 p.66

comments that agricultural land around Redditch is of similar quality and is thus a minor constraint to development.<sup>25</sup> Their comments do not sit easily with the NPPF stress on the use of poorer agricultural land for housing development if necessary.<sup>26</sup> The HGDS also states that all land around Redditch is of medium to high landscape sensitivity,<sup>27</sup> despite Worcestershire County Council's Landscape Sensitivity Map clearly showing Area 8 to be in the medium category whilst the southern and eastern part of Site 1 is in the highest category.

1.14 Scoring in the SA E2 section would have been further skewed because of the lack of reference to the Water Source Protection Zone underlying much of Site 1. This is clearly a matter of significance which was missed and it is now acknowledged that detailed consideration of factors affecting underground water supplies needs to take place.<sup>28</sup> Its exclusion from the scoring process and the other inconsistencies noted point to the selective and at times opaque nature of the Sustainability Appraisal.

1.15 Paragraphs 1.8 to 1.14 are essentially repetitions of points made in the Bentley Paucefoot Parish Council's response to the HGDS and together with their other observations represent severe criticism of the judgements made by planners. The response also highlights perceived shortcomings regarding the use of maps and photographs as illustrative vehicles for their arguments<sup>29</sup> and our concern that many of the arguments relating to social and economic factors rest on assumptions and assertions rather than on evidence which takes a realistic account of the potential of each focussed site. We see therefore assumptions that Site 1 will assist in the regeneration of Bromsgrove Town Centre<sup>30</sup>; that commuting northwards would be discouraged<sup>31</sup>; that the protection of the historic setting of the already compromised Hewell Grange is more important than the protection of the wider Green Belt<sup>32</sup> and that Bordesley (area 8) would be difficult to integrate with Redditch.<sup>33</sup> It is also significant that the language used in section 6 HGDS suggests that there seems to have been an assumption against putting forward Bordesley for development<sup>34</sup>.

1.16 We suggest also that assumptions have been made that some of the matters we have raised can be addressed through the implementation of policy and the provision of a Master Plan for the site selected.<sup>35</sup> However, we suggest that such implementation may be compromised if problems are identified which should have been found before site selection rather than after. The SPZ may be one example of this. This Representation however, relates more to the soundness of principles and processes than to operational practicalities.

1.17 Our comments regarding the principle of cross boundary development (CBD) at Site 1 show that that we are not sufficiently certain that the most appropriate location has been chosen and a balance between the NPPF requirements of protection of the Green Belt and sustainable development achieved. We have also indicated that possibilities exist for development in an alternative area (8) if a single SUE is felt to be necessary. It should be clear therefore why Bentley Paucefoot Parish Council considers that the RCBD plan and, by extension, the BDP cannot be considered justified.

<sup>25</sup> Outcome Redditch HG Consultation p.27, p.3

<sup>26</sup> NPPF 112

<sup>27</sup> HGDS 6.1.7 and restated in Outcome Redditch HG Consultation p.190

<sup>28</sup> SA Scoping and Baseline Report 2012 p.69 fig 8. BDP RCBD 1.1, RCBD 1.9 vi

<sup>29</sup> BPPC Response to the HGDS 2.2, 2.4, 2.6, 2.11 – 2.14 and 3.25 – 3.27. refer also this document para. 1.11

<sup>30</sup> HGDS 6.1.46 BPPCR 2.64

<sup>31</sup> HGDS 6.4.46 BPPCR 3.44

<sup>32</sup> HGDS 6.2.79 BPPCR 3.5 -3.8 and Outcome Redditch HG Consultation pp 79-81 and p.88

<sup>33</sup> HGDS 10.7 BPPCR 3.35,3.36

<sup>34</sup> HGDS 6.4.62, 6.4.78, 6.4.77 BPPCR 3.25, 3.28, 3.31

<sup>35</sup> BDP RCBD 1.5.1 page 43

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) **(see Note 8 para 4.3)**

If our criticisms about the Strategic decisions taken are proved founded, it points to a review of strategy rather than its implementation.

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s), as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

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8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination? **Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.**

No, I do not wish to participate at the oral examination	<input type="checkbox"/>
Yes, I wish to participate at the oral examination	<input type="checkbox"/>

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary. (Continue on a separate sheet /expand box if necessary)

Signature:	Date:
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**Part B (see Note 1 and Note 8 para 4.2)**

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

Bentley Pauncefoot Parish Council

1. To which part of the BDP does this representation relate? **SOUNDNESS** / **EFFECTIVENESS**

Page:	Paragraph:	Policy: RCBD1
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
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3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

See our Legal Compliance comments on separate sheets as requested

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

5. Do you consider the BDP is sound? (see Note 3)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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Do you consider the BDP is **unsound** because it is not:

(1) Justified (see Note 4)	<input checked="" type="checkbox"/>
(2) Effective (see Note 5)	<input checked="" type="checkbox"/>
(3) Consistent with national policy (see Note 6)	<input checked="" type="checkbox"/>
(4) Positively prepared (see Note 7)	<input checked="" type="checkbox"/>

6. Please give details of why you consider the BDP is unsound. Please be as precise as possible. If you wish to support the soundness of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

### Effectiveness

2.1 The BDP is intended to cover a time span from 2013 to 2030. It is admitted however that the last seven years of the plan lack detail regarding housing supply.<sup>1</sup> Thus the plan cannot be considered complete. A further indication of its lack of effectiveness is provided by its proposals regarding the development of the chosen CBD site 1. Although it is assumed by planners and BDC that the proposal to develop this site will be judged sound, it is still unclear how objectives identified by the Council will be met. Infrastructure needs to support development have been identified but there is, as yet, little published information to explain how they will be satisfied. There is a wide range of consultees whose timescales and costings are relevant and whose cumulative impact will affect the viability and consequent deliverability of the site.

2.2 Bromsgrove's in-house Infrastructure Delivery Plan (IDP) recognises that it is a key component in the evidence base to support the BDP but highlights the difficulty in getting utility providers and others to commit to plans and indicative costings in a timely manner.<sup>2</sup> Even so, in relation to CBD, they suggest that there is no indication from Infrastructure providers that there will be a problem serving any area around Redditch.<sup>3</sup> Nevertheless, we draw attention to the lack of a comprehensive initial evaluation regarding water resources in Area 1, which has resulted in a recent Environment Agency statement that detailed studies must be completed.<sup>4</sup> A further example of a factor which could delay any assessment of the viability of development in Area 1 is the need for Severn Trent Water to assess plans and indicative costing for sewerage in an area which is demonstrably less cost effective than would be the case at Area 8.<sup>5</sup> In both these cases, if findings reveal significant issues which would be difficult to resolve in either or both environmental and economic terms it would point to the need for a change of site recommended for development.

2.3 The Transport requirements in the IDP largely focus on the urban areas in Bromsgrove district and links to motorways. Whilst the NPPF highlights the need to promote sustainable transport plans so that people have realistic choices about how to travel<sup>6</sup>, it also draws attention to the need to consider transport in rural areas in the light of policies elsewhere in the framework.<sup>7</sup> The present Transport needs assessment does not seem to acknowledge this, since there is no reference to the impact of increased

<sup>1</sup> BDP p.23, 8.28

<sup>2</sup> Bromsgrove Infrastructure Delivery Plan, Live document September 2013 , p.4. pp 9 and 10

<sup>3</sup> BDP Consultation Document 9.32

<sup>4</sup> Letter from Mr.M.Tyas Senior Planning Officer 25/7/13 to Ms C.Cornnell, Weetwood, Broncoed Business park, Mold

<sup>5</sup> "Overview of potential sewerage and sewage treatment impacts from Strategic Development proposals for Redditch. Paul Hurcombe", Severn Trent Water 2012.

<sup>6</sup> NPPF para. 29

<sup>7</sup> NPPF 36

traffic on the country lanes around site 1, which Worcestershire admits are already rat runs.<sup>8</sup> We would expect a full Transport Plan to include detailed consideration of this.

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) **(see Note 8 para 4.3)**

2.4

In our opinion, a Strategic plan should have addressed the matters mentioned in the two paragraphs above as part of the evidence collection prior to the selection of sites. We would also add that without published detail about ongoing consultations between planners and providers and likely timescales, it is difficult to establish whether the plan is viable and therefore deliverable.

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No, I do not wish to participate at the oral examination	<input type="checkbox"/>
Yes, I wish to participate at the oral examination	<input type="checkbox"/>

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Signature:	Date:
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<sup>8</sup> Bromsgrove Transport Package Policy Report Phases 1-3 5.4.6 WCC

**Part B (see Note 1 and Note 8 para 4.2)**

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

Bentley Pauncefoot Parish Council

1. To which part of the BDP does this representation relate? **SOUNDNESS** / NATIONAL POLICY

Page:	Paragraph:	Policy: RCBD1
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

See Legal Compliance Sheets

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

5. Do you consider the BDP is sound? (see Note 3)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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Do you consider the BDP is **unsound** because it is not:

(1) Justified (see Note 4)	<input checked="" type="checkbox"/>
(2) Effective (see Note 5)	<input checked="" type="checkbox"/>
(3) Consistent with national policy (see Note 6)	<input checked="" type="checkbox"/>
(4) Positively prepared (see Note 7)	<input checked="" type="checkbox"/>

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**Consistent with National Policy**

Our comments regarding BDP's accordance with NPPF are included within the legal compliance section of this representation.

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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**Part B (see Note 1 and Note 8 para 4.2)**

**Please use a separate Part B form for each representation you wish to make**

Name or Organisation (see Note 8 para 4.1)

Bentley Pauncefoot Parish Council

1. To which part of the BDP does this representation relate? **SOUNDNESS** / POSITIVE

Page:	Paragraph:	Policy: RCBD 1
Policies Map:	Other document:	

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2. Do you consider the BDP is legally compliant? (see Note 2)

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See Legal Compliance Response Sheets

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5. Do you consider the BDP is sound? (see Note 3)

Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
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**Positively prepared**

Our comments in the Justification section of this Representation indicate that, although evidence is provided to underpin the Spatial Strategy adopted, it is not complete or sufficiently rigorous and that this has compromised meaningful consultation. Thus the Plan cannot be said to be positively prepared. We suggest that the admitted urgency to move the Plan forward,<sup>1</sup> partly because of Redditch's housing need, has resulted in a lack of flexibility in, and thorough consideration of, alternatives to the chosen CBD site 1 in Bentley Paucefoot Parish.

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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No, I do not wish to participate at the oral examination

<sup>1</sup> BDP p.23 8.28

Yes, I wish to participate at the oral examination	<input checked="" type="checkbox"/>
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9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary. (Continue on a separate sheet /expand box if necessary)

<p>We feel that the responses from Bentley Pauncefoot Parish Council to date regarding RCBD have not been given appropriate weight and we would wish to ensure that attention is given to the serious deficiencies which we have identified in the Plan as it currently stands.</p>
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Signature:	Date: 11.11.13
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